

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HAPTIC, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Miscellaneous Action No. 4:25-mc-331

(Haptic Case Pending in Northern District of California, CA No. 3:24-cv-02296-JSC)

**APPLE INC.’S UNOPPOSED MOTION FOR LEAVE TO FILE SUR-REPLY IN
OPPOSITION TO SILTSTONE’S MOTION TO QUASH**

Pursuant to Local Rule 6(f), Defendant Apple Inc. respectfully requests that this Court grant leave for Apple to file a one-page sur-reply to respond to Non-Parties Siltstone Capital LLC, Siltstone Capital Litigation Fund, LP, and LF Haptic, LLC’s (collectively, “Siltstone”) Reply In Support Of its Opposed Motion To Quash Apple Inc.’s Subpoenas (Dkt. No. 7), filed on March 24, 2025. Good cause exists to permit Apple to file a sur-reply to clarify the record regarding the status of the related discovery dispute between Apple and Haptic in the underlying case in the Northern District of California, *Haptic, Inc. v. Apple Inc.*, CA No. 3:24-cv-02296. Siltstone does not oppose Apple filing a sur-reply.

Courts have discretion to allow a responding party to file a sur-reply “when the movant raises new legal theories or attempts to present new evidence at the reply stage, and the responding party seeks leave of court to file the sur-reply.” *ICI Construction, Inc. v. Mufcor, Inc.*, 2023 WL 2392738, at *3 (S.D. Tex. March 7, 2023). This Court has granted such leave where the proposed sur-reply was limited to addressing newly raised arguments that were not otherwise addressed in a previous motion to brief. *See, e.g., Jason R. Bailey, MD, P.A. v. Blue Cross & Blue Shield of Texas, Inc.*, 504 F.Supp.3d 591, 593 n.1 (S.D. Tex. 2020) (Bennett, J.) (granting leave to file sur-

reply where the “proposed sur-reply [was] limited to two claims Plaintiffs raised for the first time in their Reply” that were not otherwise addressed in a previous brief); *Mcgregor v. Lowe’s Cos., Inc.*, 2022 WL 19404022, at *1 n.1 (S.D. Tex. Sept. 17, 2022) (Bennett, J) (similar). The same is true here and the Court should therefore allow a sur-reply.

Here, Siltstone’s Reply discusses the status and history of Apple’s ongoing discovery dispute with Haptic relating to litigation funding discovery. Siltstone’s characterization of the parties’ dispute is incomplete and warrants a short sur-reply for Apple to accurately describe the current state of the discovery dispute between Haptic and Apple. This additional context will aid this Court in deciding Siltstone’s Motion to Quash and Apple’s Motion to Transfer.

Accordingly, Apple respectfully requests leave to file a concise sur-reply specifically addressing this issue. A copy of Apple’s proposed sur-reply is attached hereto as Exhibit A.

Dated: March 31, 2025

FISH & RICHARDSON P.C.

By: /s/ Joshua H. Park

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COUNSEL FOR DEFENDANT APPLE INC.

CERTIFICATE OF CONFERENCE

The undersigned counsel conferred with counsel for Siltstone Capital LLC, Siltstone Capital Litigation Fund, LP, and LF Haptic, LLC (collectively, “Siltstone”) regarding this motion by email on March 31, 2025. Siltstone indicated that it does not oppose Apple’s motion for leave to file a sur-reply.

Dated: March 31, 2025

/s/ Joshua H. Park
Joshua H. Park

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on March 31, 2025, via the Court’s CM/ECF system on all counsel of record.

/s/ Joshua H. Park
Joshua H. Park